

Sir: We, your committee on State Affairs to whom was referred H. B. 814, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Recess

On motion of Senator Stanford, the Senate, at 4:35 o'clock p. m., took recess until 10:30 o'clock a. m. tomorrow.

SEVENTIETH DAY Continued

(Thursday, May 10, 1945; Legislative Day of Wednesday—Continued)

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 95, Relative to House Bills Nos. 729 and 730.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

House Concurrent Resolution 95

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 95, Directing that House Bill No. 729 and House Bill No. 730 shall take effect immediately.

The resolution was read and was adopted by the following vote:

Yeas—29

Aikin	Jones
Brown	Knight
Bullock	Lane
Carney	Metcalf
Chadick	Lanning
Crawford	Martin
Graves	Mauritz
Hazlewood	Moffett

Moore	Sulak
Morris	Taylor
Parrish	Vick
Ramsey	Weinert
Shivers	Winfield
Stanford	York
Stone	

Absent—Excused

Kelley Spears

Vote to Place House Bill 729 Into Effect

The President laid H. B. No. 729 before the Senate, and directed the Secretary to call the roll on the question of whether or not the bill shall be passed and placed into effect immediately.

The roll was called, and the result announced as follows:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Kelley Spears

Vote to Place House Bill No. 730 Into Effect

The President then laid H. B. No. 730 before the Senate, and directed the Secretary to call the roll on the question of whether or not the bill shall be passed and placed into effect immediately.

The roll was called and the result was announced as follows:

Yeas—29

Aikin	Hazlewood
Brown	Jones
Bullock	Knight
Carney	Lane
Chadick	Lanning
Crawford	Martin
Graves	Mauritz

Metcalfe	Stone
Moffett	Sulak
Moore	Taylor
Morris	Vick
Parrish	Weinert
Ramsey	Winfield
Shivers	York
Stanford	

Absent—Excused

Kelley Spears

Senate Resolution 74

(Honoring Corporal Roy V. Smith)

By unanimous consent, Senator Hazlewood offered the following resolution:

Whereas, Corporal Roy V. Smith, a resident of Hereford, Texas, is now a visitor in the State Capitol; and,

Whereas, Corporal Smith has just recently returned to the United States after having served thirty-two months in the Southwest Pacific; and,

Whereas, Corporal Smith participated in three major campaigns—New Guinea Campaign, Paupan Campaign, and East Indies Campaign—and wears the Presidential Unit Citation; and,

Whereas, Corporal Smith has now been reassigned and is stationed at Camp Hood, Texas, but is today visiting the City of Austin; now, therefore, be it

Resolved that Corporal Smith be extended a cordial welcome to our State Capitol and also be given the privileges of the Floor of the Senate this 10th day of May, A. D. 1945.

The resolution was read and was adopted.

(Senator Aikin in the Chair)

House Concurrent Resolution 81

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 81, Instructing the Enrolling Clerk of the House to make certain changes in House Bill No. 678.

The resolution was read and was adopted.

House Concurrent Resolution 89

On motion of Senator Brown, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 89, Authorizing the Board of Control to grant to the Ferguson Memorial Foundation the right to erect a memorial in the State Cemetery.

The resolution was read and was adopted.

House Concurrent Resolution 82

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 82, Relating to per diem of members of the 49th Legislature after the first 120 days of the regular session.

The resolution was read and was adopted.

(President in the Chair)

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
May 10, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 811, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

House Concurrent Resolution 79

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 79, Instructing the Enrolling Clerk to make certain changes in House Bill No. 331.

The resolution was read and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after giving due notice thereof, the following bills and resolutions:

H. B. No. 84, "An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Thirty-

ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1 and as amended by Acts of 40th Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and as amended by Acts of the Forty-fourth Legislature, Regular Session, Chapter 362; and so as to provide the salaries of County Commissioners and Precinct Commissioners in certain counties; providing that all laws or parts of laws in conflict with this Act are hereby expressly repealed; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part; and declaring an emergency."

H. B. No. 805, An Act providing for the fixing of compensation to Judges of District Courts and Criminal District Courts in Counties having a population of more than 350,000 and not more than 500,000 according to the last preceding or any future Federal census; etc.

H. B. No. 64, "An Act to be known as the 'Cabbage Standardization and Inspection Act' to be effective during the Texas Cabbage Marketing Season as defined in the Act; providing for the standardization of cabbage by means of compulsory inspection, grading, classification, and marketing thereof under the authority of the Commissioner of Agriculture of the State of Texas, etc., and declaring an emergency."

H. B. No. 850, "An Act authorizing the Commissioners Courts of certain counties to place revenues from motor vehicles registration fees allocated to said counties in any County Fund or Funds that such Commissioners' Courts may see fit and expend said revenues for any lawful purpose."

H. B. No. 838, "An Act to validate all independent school districts heretofore separated and divorced from municipal control; to validate the creation and formation of all independent school districts for rural high school purposes by the annexation of one or more contiguous common school districts to such independent school districts therefore

divorced from municipal control; to validate the election and qualification trustees of such districts and other independent school districts, etc., and declaring an emergency."

H. B. No. 760, "An Act authorizing and directing the Board of Control of the State of Texas to purchase for any county or other political subdivisions of the State such surplus war materials or surplus goods, merchandise, equipment or other wares from the Federal Government or its agencies as made the offer for sale by them, provided such county or other political subdivision requests the Board of Control to make such purchases, and provided sufficient funds are deposited with the Board of Control to cover payment therefor; and declaring an emergency."

H. B. No. 382, "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by Senate Bill 138 passed by the Regular Session of the 40th Legislature; providing for the selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act; and declaring an emergency."

H. C. R. No. 78, Recalling H. B. No. 746 from the Governor's office.

H. C. R. No. 72, Proposing to dedicate a certain tract of land in Waller County, for the use and benefit of Prairie View State Normal.

H. B. No. 384, "An Act amending House Bill No. 68, Chapter 3, Acts of the Forty-fourth Legislature, Regular Session, 1935, as amended by Senate Bill No. 332, Chapter 123, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended by Senate Bill No. 216, Acts of the Forty-sixth Legislature, Regular Session, 1939; as amended by House Bill No. 503, Chapter 368, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the reorganization of this special District Court of Smith County, Texas so that hereafter this Special District Court shall include Smith and Wood Counties, Texas; etc., and declaring an emergency."

H. B. No. 437, "An Act to amend Senate Bill No. 158, Acts of the Regular Session of the 48th Legislature so as to extend the time of existence of

the Special 9th District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

H. B. No. 809, "An Act repealing the provisions of Chapter 210, Acts repealing the provisions of Chapter 210, Acts 48th Legislature, Regular Session, 1943, and providing that no male person of Fayette County, Texas, shall be required to do any kind of road duty or be required to pay any head tax in lieu of such road work or duty; repealing all laws and parts of laws in conflict with the provisions of the Act; and declaring an emergency."

H. C. R. No. 93, Recalling House Bills Nos. 729 and 730 from the Governor's Office.

H. C. R. No. 87, Relative to the observance of the Texas Centennial of Statehood.

H. C. R. No. 83, Authorizing and instructing the Enrolling Clerk to make such typographical corrections in House Bill No. 382 as may be necessary and proper.

H. C. R. No. 86, Suspending Joint Rule No. 21.

H. C. R. No. 84, Authorizing certain corrections in House Bill No. 838.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 167, Providing for a more efficient public school system in Texas. With amendments.

The House refused to concur in Senate amendments to House Bill No. 173 and has requested the appointment of a conference committee to consider the differences between the two Houses.

Conference Committee on H. B. No. 173: Morgan, Helpinstill, Manford, Proffer, Humphrey.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Conference Committee on Senate Bill 317

The President announced the ap-

pointment of the following free conference committee to adjust the difference between the two Houses on Senate Bill No. 317: Senators Lanning, Stone, Graves, Chadick, and Carney.

Senate Bill 167 With House Amendments

Senator Lanning called S. B. No. 167 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lanning moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lanning, Morris, Aikin, Metcalfe, and Martin.

Conference Committee on House Bill 173

Senator Lanning called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 173 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lanning, Winfield, Taylor, Metcalfe, and Morris.

House Bill 48 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 48, A bill to be entitled "An Act providing for the acceptance of applications and bids for leases covering islands, salt water lakes, bays, the bed of the sea, inlets, marshes and reefs, river beds and channels, and unsold surveyed school lands; fixing the terms of said leases; providing for the assignment of leases; providing for

the revision, modification and amendment of leases in whole or in part; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following amendment to the bill:

Amend Senate Bill No. 48, by striking out Section 2 of the printed bill and substituting in lieu thereof the following:

"Section 2. Upon application made by the owner of such lease at any time after the effective date of this Act, the area covered by any lease heretofore issued by the Commissioner of the General Land Office on any area covering islands, salt water lakes, bays, the bed of the sea, inlets, marshes and reefs, river beds and channels, and unsold surveyed school lands, and that portion of the Gulf of Mexico within the jurisdiction of Texas, shall be advertised by the School Land Board for bids for a lease covering such area for the production of the same minerals covered by the then existing lease, such lease to take effect and be in force from and after the date of the expiration of the then existing lease, and to continue in force for a primary term of five years from the effective date thereof and so long thereafter as oil, gas or other minerals covered by the lease shall be produced from the area subject to the lease. Such lease shall be issued to the bidder who offers to pay the most for such lease, and shall be executed by the Commissioner of the General Land Office subject to, and effective on the date of the expiration of, the then existing lease."

Senator Mauritz offered the following substitute for the amendment:

Substitute for Sulak amendment:

Amend H. B. 48 by striking out all of Section 2 and re-number the subsequent sections accordingly.

MAURITZ
METCALFE

Question—Shall the substitute be adopted:

Address of Lieutenant Governor

Lieutenant Governor Smith, at this time, addressed the Senate as follows:

Senators, the Chair asks an unusual indulgence. I wish to make a speech on personal privilege, and it is not what you think it is going to be.

On the outbreak of this war we were told that the bloody fiends of Nazidom were to be hunted down and treated like the criminals they are. It was the same story that was told to us old soldiers of World War One about the arch-plotters of the old Kaiser who brought on World War One. We saw this promise forgotten and the guilty in high places go free.

According to press reports the same soft attitude is already being shown toward the foul instigators of this war.

On yesterday we were cheered with the news that Herman Goering, number 2 Nazi, was a prisoner of the famed 36th Division of Texas. We took delight in the news that our division had the brutal Nazi as a prisoner. But this morning every red-blooded Texan was shamed to read that the Commander of those fighting sons of theirs had invited the bloody handed Nazi murderer to dine with him. This act on the part of this temporary Commander of the 36th Division was an affront to the thousands of gallant lads who waded through hell at Salerno Beach and at bloody Anzio. It was an insult to every little white cross that marks the final resting place of an American soldier.

I am told that upon the surrender of Field Marshal von Runstedt this same division Commander invited him to dinner. This might make him also subject to censure of all good Texans. However, von Runstedt is not in the class with Goering. Von Runstedt is a great soldier and not a Nazi, but we should not forget that his soldiers in the Battle of the Bulge mercilessly shot down American prisoners of War.

We should never forget that it was Goering who murdered Rotterdam and Antwerp—cities that had surrendered—by sending over them clouds of war planes to mangle and murder helpless women and children. Every Texan must blush with shame to think that this swaggering and be-medaled Nazi child-killer was invited by the Commander of the beloved 36th Division to have lunch with him.

I personally resent this stupid and thoughtless thing. Evidently General Dahlquist was so overcome with the notoriety of his catch that he forgot the thousands of innocent whom Goering had murdered.

It is to express my resentment at

this act of undeserved courtesy to a foul murderer that I have spoken—I hope it does not mean that we are to forget the promises so solemnly made to those who are now dead that we would hunt down and utterly destroy those monsters who have made the world a place of sorrow and desolation. I thank you.

On motion of Senator Mauritz, the address of the Lieutenant Governor was ordered printed in the Journal.

Recess

Senator Vick moved that the Senate recess to 2:30 o'clock p. m., today.

Senator Knight moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 14, 1945.

Question first recurring on the motion of Senator Knight, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Carney	Metcalf
Chadick	Moore
Knight	Shivers
Lane	Weinert
Lanning	Winfield
Mauritz	

Nays—16

Aikin	Parrish
Bullock	Ramsey
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Moffett	Vick
Morris	York

Absent

Brown	Martin
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Absent—Excused

Kelley	Spears
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Question next recurring on the motion of Senator Vick, it prevailed.

The Senate, accordingly, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by President pro tempore Moffett.

On motion of Senator Aikin, the Senate stood at ease for five minutes.

(President in the Chair)

The President called the Senate to order at 2:35 o'clock p. m.

House Bill 831 on Second Reading

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading.

H. B. No. 831, Making appropriation to pay deficiency appropriations granted by the Governor prior to January 1, 1945, and for which no appropriations have heretofore been made; and declaring an emergency.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 831 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 831 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Kelley	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Kelley	Spears
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Motion to Adjourn

Senator Martin moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10

Chadick	Martin
Crawford	Mauritz
Graves	Moore
Hazlewood	Parrish
Lanning	Winfield

Nays—17

Aikin	Ramsey
Brown	Stanford
Bullock	Stone
Carney	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Metcalfe	York
Moffett	

Absent

Morris	Shivers
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Absent—Excused

Kelley	Spears
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Executive Session

On motion of Senator Winfield, the Senate at 2:45 o'clock p. m. agreed to hold an executive session immediately.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive

session, the Secretary of the Senate reported to the Journal Clerk that the following nominations of the Governor had been confirmed by the Senate:

To be a member of the Board of Directors of Texas Technological College for the term expiring February 19, 1945:

Robert B. Price of El Paso, El Paso County.

To be a member of the Board of Regents of the Texas State College for Women for a term expiring January 10, 1951:

Charles F. Ashcroft of Sulphur Springs, Hopkins County.

To be a member of the Texas Civil Judicial Council for a six year term to expire July 1, 1951:

Frank Hartgraves of Menard, Menard County.

To be Public Weigher in and for Cameron County for a two year term to expire May 2, 1947:

R. M. Loving of Harlingen, Cameron County.

To be Public Weigher in and for Stephens County for a two year term to expire May 3, 1947:

Brown Jarrett of Stephens County.

To be Public Weigher in and for Harris County for a two year term to expire May 3, 1947:

Holger Jeppesen of Houston, Harris County.

To be Branch Pilot for the Galveston Bar and Houston Ship Channel for a two year term to expire May 3, 1947:

Captain Charles H. McLean of Harris County.

To be Pecos River Compact Commissioner for a two year term to expire May 5, 1947:

Charles H. Miller of Barstow, Ward County.

To be Rio Grande Compact Commissioner for a two year term to expire July 16, 1947:

J. E. Quaid of El Paso, El Paso County.

To be Branch Pilot for the Brazos Santiago Pass Bar and Tributaries for two year terms to expire January 6, 1947.

Joseph A. Kelly of Cameron County.
Aubrey D. Shaw of Cameron County.

To be a Member of the Board of Directors of the Upper Colorado River Authority to fill the unexpired term of Mr. J. C. Deal, deceased, term to expire January 1, 1951:

H. C. Ragsdale of San Angelo, Tom Green County.

To be a Member of the Texas Prison Board to fill the unexpired term of Honorable George Sealy, deceased, term to expire February 2, 1949:

T. N. Whitehurst of Beaumont, Jefferson County.

To be a member of the Board of Directors of Lower Colorado River Authority for term expiring January 1, 1951:

Thomas C. Ferguson of Burnet County.

The Secretary of the Senate further informed the Journal Clerk that the following nomination had been rejected:

To be a member of the Board of Directors of the Lower Colorado River Authority for term expiring January 1, 1951:

Ben McIlhenney of Colorado County.

In Legislative Session

The President called the Senate to order as in legislative session at 3:10 o'clock p. m.

Bills and Resolution Signed

The President signed in the presence of the Senate after giving due notice thereof, the following bills and resolution:

H. B. No. 729, A bill to be entitled "An Act amending Article 6953, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act amending Article 6964, Revised Civil Statutes of Texas 1925; and declaring an emergency."

H. C. R. No. 95 Relative to House Bill No. 729 and House Bill No. 730.

House Bill 48 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B.

No. 48, relating to leasing of islands, salt water lakes, bays, inlets and unsold surveyed school lands, on its passage to third reading, with an amendment by Senator Sulak and a substitute by Senator Mauritz for the amendment pending.

Question—Shall the substitute be adopted?

(Senator Winfield in the Chair)

Motions to Adjourn

Senator Metcalfe moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 14, 1945.

Question first recurring on the motion of Senator Moore, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Carney	Lanning
Chadick	Martin
Graves	Mauritz
Jones	Metcalfe
Knight	Moore
Lane	Winfield

Nays—16

Aikin	Ramsey
Brown	Stanford
Bullock	Stone
Crawford	Sulak
Hazlewood	Taylor
Moffett	Vick
Morris	Weinert
Parrish	York

Absent

Shivers

Absent—Excused

Kelley Spears

Question next recurring on the motion of Senator Metcalfe, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Chadick	Martin
Crawford	Mauritz
Graves	Metcalfe
Hazlewood	Moore
Jones	Winfield
Lanning	

Nays—16

Aikin	Ramsey
Brown	Stanford
Bullock	Stone
Carney	Sulak
Knight	Taylor
Lane	Vick
Moffett	Weinert
Morris	York

Absent

Parrish	Shivers
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Absent—Excused

Kelley	Spears
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Senator Moffett moved the previous question on the pending amendment and the passage of the bill to third reading.

The motion was not seconded.

Motions to Adjourn

Senator Mauritz moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 14, 1945.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—9

Chadick	Mauritz
Graves	Metcalf
Knight	Moore
Lanning	Winfield
Martin	

Nays—17

Aikin	Stanford
Brown	Stone
Bullock	Sulak
Carney	Taylor
Crawford	Vick
Lane	Weinert
Moffett	York
Parrish	Morris
Ramsey	

Absent

Hazlewood	Shivers
Jones	

Absent—Excused

Kelley	Spears
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Senator Graves moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10

Chadick	Mauritz
Graves	Metcalf
Jones	Moore
Lanning	Parrish
Martin	Winfield

Nays—16

Aikin	Ramsey
Brown	Stanford
Bullock	Stone
Carney	Sulak
Knight	Taylor
Lane	Vick
Moffett	Weinert
Morris	York

Absent

Crawford	Shivers
Hazlewood	

Absent—Excused

Kelley	Spears
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Senator Graves moved that the Senate adjourn until 10:30 o'clock a. m. Monday, May 14, 1945.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—11

Chadick	Mauritz
Crawford	Metcalf
Graves	Moore
Knight	Parrish
Lanning	Winfield
Martin	

Nays—15

Aikin	Stanford
Brown	Stone
Bullock	Sulak
Carney	Taylor
Lane	Vick
Moffett	Weinert
Morris	York
Ramsey	

Absent

Hazlewood	Shivers
Jones	

Absent—Excused

Kelley	Spears
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(Senator Taylor in the Chair)

Senator Graves then moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10

Chadick	Mauritz
Crawford	Metcalfe
Graves	Moore
Lanning	Parrish
Martin	Winfield

Nays—15

Aikin	Ramsey
Brown	Stanford
Bullock	Sulak
Carney	Taylor
Knight	Vick
Lane	Weinert
Moffett	York
Morris	

Absent

Hazlewood	Shivers
Jones	Stone

Absent—Excused

Kelley	Spears
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Motion to Recess

Senator Graves moved that the Senate recess until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10

Bullock	Mauritz
Crawford	Metcalfe
Graves	Moore
Lanning	Parrish
Martin	Winfield

Nays—14

Aikin	Ramsey
Brown	Stanford
Carney	Sulak
Chadick	Taylor
Knight	Vick
Lane	Weinert
Moffett	York

Absent

Hazlewood	Stone
Jones	Shivers
Morris	

Absent—Excused

Kelley	Spears
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Question—Shall the substitute for the amendment to H. B. 48 be adopted?

Reports of Conference Committee on House Bill No. 558

Senator Knight submitted the following free Conference Committee report:

Austin, Texas,
May 2, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 558 beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

KNIGHT
MORRIS
MAURITZ
JONES

On the part of the Senate.

COKER
JONES
MILLS
HARRELL
SMITH

On the part of the House.

By Coker:

H. B. No. 558, "An Act providing for the sale by the Texas Prison Board to the City of Huntsville, Texas, of six hundred and thirty (630) acres of land, part of the Warren Birdsell League, Abstract No. 6, in Walker County, Texas, at private sale for cash; regulating the manner and terms of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the Chairman or Vice-Chairman to execute the deed of conveyance to be attested by the Secretary of the Board and its official seal impressed thereon; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby authorized to sell and convey to the City of Huntsville, Texas, a certain six hundred and thirty (630) acres of land in Walker County, Texas, bounded and described as follows:

All of six hundred and thirty (630)

acres of land, more or less, out of and a part of the Warren Birdsell Original League Survey, Abstract No. 6, in Walker County, Texas, with the provision that said land shall be used by the City of Huntsville, Texas, for the purpose of establishing a municipal airport or a portion thereof, and being also out of a certain one thousand four hundred and one (1,401) acre tract in said League and being also out of the northwest corner of that certain tract of land which is owned by the State of Texas and known as the Wynne Farm, said six hundred and thirty (630) acres being bounded on the west by the west line of said Wynne Farm, on the north by the north line of said Wynne Farm and on the south by U. S. Highway 75 and extending east so that a line drawn parallel with the west line of the Wynne Farm will enclose six hundred and thirty (630) acres.

Sec. 2. The property herein mentioned and described shall be sold at private sale for cash at a price which the Prison Board shall deem fair and adequate, which price, however, shall not be for less than Twelve Thousand, Six Hundred Dollars (\$12,600). The said Prison Board is hereby authorized and empowered to make the sale, and when such sale is made the Chairman or Vice-Chairman shall, in the name of the Texas Prison Board, execute and deliver to said City of Huntsville, Texas, a deed of conveyance to said property attested by the Secretary of the Board and with its official seal impressed thereon, which deed shall vest all rights and title of the Board and the State of Texas to the same in said City; provided, however, that said deed shall reserve to the State a one-sixteenth (1/16) free royalty of all minerals in said land, except that as to Sulphur and other mineral substances from which Sulphur may be derived or produced the free royalty reserved to the State shall be one-eighth (1/8).

Sec. 3. The fact that the Texas Prison Board is now without authority to make such sale and that land in its present condition is of little use to the Texas Prison Board, and the State will begin to get the use of the money as soon as the sale is made, and that it is contemplated that the City of Huntsville will improve said property as a public airport for said City and the same, when opened, will be of material benefit to the

Prison Board and said airport will be available for use by the Sam Houston State Teachers College, located at Huntsville, in connection with the teaching of Aeronautics, creates an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, be and the same is hereby suspended, and that this Act shall be in force and effect from and after its passage, and it is so enacted.

Report of Conference Committee on House Bill No. 646

Senator Knight submitted the following report:

Austin, Texas,
May 2, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 646, beg leave to report that we have considered the same and recommend that it do pass in the form as passed by the House, a copy of which is hereto attached.

KNIGHT
MORRIS
JONES
MAURITZ

On the part of the Senate.

COKER
JONES
MILLS
HARRELL
SMITH

On the part of the House.

By Coker:

H. B. No. 646, An Act providing for the purchase by the Texas Prison Board from T. E. Humphrey of 190.4 acres of land, part of the P. Gray League, Abstract No. 24, in Walker County, Texas, for a cash consideration to be paid out of moneys to be received by the Texas Prison Board from the sale of certain lands in Walker County, Texas, to the City of Huntsville; providing the remainder of said sum received from sale of the Wynne farm under House Bill No. 558 be deposited to the General Fund; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. By lease Contract dated November 18, 1944, with T. E. Hum-

phrey, the Texas Prison Board has the right and option to purchase the five (5) tracts of land hereinafter described, and described in said lease contract, for a total cash consideration of Nine Thousand Five Hundred and Twenty Dollars (\$9,520). By House Bill No. 558 the Texas Prison Board is seeking authority to sell certain lands in Walker County, Texas, to the City of Huntsville, Texas, for a cash consideration of not less than Nine Thousand, Five Hundred Dollars (\$9,500), the remainder of the said sum received for the sale of the Wynne farm under House Bill No. 558 to be deposited to the credit of the General Fund.

Section 2. Should said sale to said City of Huntsville be authorized and effected, said Texas Prison Board is hereby expressly authorized and empowered to exercise its said option and to purchase from said T. E. Humphrey, at a cash consideration of not in excess of Nine Thousand, Five Hundred Dollars (\$9,500), the following described lands and premises, to wit:

All those certain tracts and parcels of land lying and being situated in the County of Walker and State of Texas, out of and parts of the P. Gray League, and further described as follows, to-wit:

First Tract: Being in Walker County, Texas, a part of the P. Gray League, and described by metes and bounds as follows:

Beginning in the center of the Huntsville & Cincinnati Road about one mile North of Huntsville at the N E corner of the Walker Place;

Thence North 88 West with the North Line of said Walker Place 370 vrs to center of branch;

Thence up said branch with its meanders, 1st S. 8 E. 87 vrs; 2nd S 3 W 80 vrs; 3rd S 8 E 105 vrs; 4th S 2 W 70 vrs, to the mouth of a small ravine that makes into said branch;

Thence up said ravine 1st, S 46½ E 70 vrs; 2nd, S 65 E 80 vrs; 3rd S 81 E 40 vrs; 4th, S 53 E 40 vrs; 5th, S 2 W 72 vrs; 6th, N 86 E 42 vrs; 7th, S. 20 E 30 vrs; 8th, S 5 E 20 vrs; 9th, S 39 E 49 vrs to center of Cincinnati Road, a Black Locust 4 prongs brs N 85 E 12 vrs;

Thence with the road N 9 E 78½ vrs to the place of beginning, containing 33½ acres.

Second Tract: All that certain tract or parcel of land in Walker County, Texas, out of and part of the P. Gray

League, with metes and bounds as follows:

Beginning at the intersection of the North Line of the P. Gray League with the Huntsville and Riverside Public Road, same being the S E corner of a 17 ¾ acre tract in the Wiley Parker League;

Thence West with the North line of the P. Gray League 410 vrs, more or less, to Parker Creek;

Thence up said Creek with the meanders thereof to the N E corner of the tract of land owned by the State of Texas;

Thence East; or nearly East, with the North Line of Tract No. 1 hereinabove described 370 vrs to intersection of said Line with the Huntsville and Riverside Road;

Thence North with said Road about 400 vrs, more or less, to the place of beginning, containing 25½ acres of land, more or less, being the same lands described in the Deed from Mrs. Lela Mae Speer, Sheriff of Walker County, Texas, to W. L. Dean and T. E. Humphrey, dated July 6, 1932, and recorded in Volume 72, page 307, Walker County Deed Records, which said two tracts are generally known and designed as the B. A. Eastham Meadow, lying and being situated between Parker Branch and the Huntsville and Cincinnati Public Road.

Third Tract: In Walker County, Texas, part of the P. Gray League, being Lot No. two of a partition of the the Lands belonging to the Estate of J. T. Sims, deceased, made by H. B. Baldwin, Administrator, with metes and bounds as follows:

Beginning at the NW corner of Lot No. one, a stake;

Thence West 597 vrs to stake;

Thence South 378 vrs to stake in field;

Thence East 597 vrs to the SW cor of Lot No. One;

Thence North 378 vrs to the place of beginning with Lot No. One, containing 40 acres of land.

Fourth Tract: In Walker County, Texas, a part of the P. Gray League, and being Lot No. Three of a partition of the lands belonging to the Estate of J. T. Sims, deceased, made by H. B. Baldwin, Administrator, with metes and bounds as follows:

Beginning at the SE cor of Lot No. Four according to the above mentioned subdivision of the lands of the Estate of J. T. Sims, deceased;

Thence East 597 vrs to stake;

Thence North 378 vrs to stake;

Thence West 597 vrs to stake, being the N E cor of Lot No. Four;

Thence South 378 vrs to the place of beginning, containing 40 acres of land.

Fifth Tract: In Walker County, Texas, part of the P. Gray League; being Lots Nos. Four, Five of a partition of the lands belonging to the Estate of J. T. Sims, deceased, made by H. B. Baldwin, Administrator, with metes and bounds as follows, to wit:

Beginning at the N W cor of said Sims Tract, on the boundary line of the Birdsell League, same being the S W corner of the S. H. Skelton tract;

Thence South 700 vrs to the S W cor of the Sims tract;

Thence S 82 E 514 vrs to stake, an Elm 8 inch brs E 5 vrs;

Thence North 394 vrs;

Thence West 221 vrs;

Thence North 378 vrs to the north line of the P. Gray League;

Thence West 228 vrs to the place of beginning, containing 51.4 acres of land; Tracts three to five, inclusive, being the same lands conveyed by deed from Mrs. Lela Mae Speer, Sheriff of Walker County, Texas, to B. P. Wilson and T. E. Humphrey, bearing date August 2, 1932, recorded in Volume 72, page 460, Walker County Deed Records. Said five tracts above mentioned are further designated and delineated on a blue plat attached as an exhibit to Plaintiff's First Amended Original Petition in Cause No. 9163, styled by B. A. Eastham vs Walker Grocery Company et al, in the District Court of Walker County, Texas, filed in said cause on August 24, 1932, to which reference is made for further description.

Said Texas Prison Board is expressly authorized to pay for said lands so purchased from said T. E. Humphrey out of the cash consideration which it receives from said sale to said City of Huntsville.

Section 3. The fact that the Texas Prison Board is now without authority or funds to purchase said lands, that said lands are now leased for cash rental and are being used by the Board and the purchase thereof will be of material benefit to said Board in the operation of the Texas

Prison System and that the funds to be derived from the sale of the lands to the City of Huntsville will be sufficient to purchase the said lands, creates an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

(President in the Chair)

Adjournment

Senator Parrish moved that the Senate adjourn until 10:15 o'clock a. m., Monday, May 14, 1945.

Yeas and nays were demanded and the motion prevailed by the following vote:

Yeas—12

Chadick	Mauritz
Crawford	Metcalfe
Graves	Moore
Knight	Parrish
Lanning	Stanford
Martin	Winfield

Nays—11

Aikin.	Ramsey
Brown	Stone
Bullock	Taylor
Carney	Vick
Lane	Weinert
Moffett	

Absent

Hazlewood	Shivers
Jones	Sulak
Morris	York

Absent—Excused

Kelley	Spears
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Senator Aikin called for a verification of the vote.

The rolls of those recorded as voting "yea" and of those recorded as voting "nay" were called and found correct as first announced.

The verified vote stood, as first announced: Yeas 12, nays 11.

The Senate, accordingly, at 4:45 o'clock p. m., adjourned until 10:15 o'clock a. m., Monday, May 14, 1945.